

**REMARKS**

Applicant traverses the Restriction Requirement as it is based on canceled claims and fails to consider the new claims submitted in the Preliminary Amendment filed on January 15, 2004. A copy of this Amendment as filed and a copy of the stamped, return postcard acknowledging its receipt are attached.

Withdrawal of the Restriction Requirement is respectfully requested. Action on the currently pending claims, claims 41-44 and 100-108, is respectfully solicited.

**Objection to the Specification**

The specification was objected due to various informalities. Applicant has amended the specification to overcome this objection and respectfully request withdrawal of this objection.

RESPONSE TO RESTRICTION REQUIREMENT

Serial Number: 10/758,701

Filing Date: January 15, 2004

Title: FLAT CAPACITOR FOR AN IMPLANTABLE MEDICAL DEVICE

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Dkt: 279.234US4

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 359-3267 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

MICHAEL J. O'PHELAN ET AL.

By their Representatives,

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Date 5/18/05 By Peter C Maki  
Peter C Maki  
Reg. No. 42,832

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, MS: Amendment, P.O. Box 1450, Alexandria, VA 22313-1450 on this 18 day of May, 2005.

Paula Sucky  
Name

Paula Sucky  
Signature